

AG Contract No. KR97 2695TRN
ADOT ECS File No. JPA 97-206
Project: Sale of Fuel
Section: Cochise County

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
COCHISE COUNTY, ARIZONA

THIS AGREEMENT is entered into 10 February, 1998,
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954,
as amended, between the STATE OF ARIZONA, acting by and through its
DEPARTMENT OF TRANSPORTATION (the "State") and the COCHISE COUNTY,
acting by and through its BOARD OF SUPERVISORS (the "County").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes Section 11-251 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the County.

3. The County has a requirement for motor vehicle fuel statewide. The DOT has fueling facilities statewide and has agreed to provide fuel for County vehicles.

THEREFORE, in consideration of the mutual covenants expressed herein, it is agreed as follows:

NO. 22197
Filed with the Secretary of State
Date Filed: 02/10/98

Petrey Bayless
Secretary of State

By: Henry G. Haenewald

II. SCOPE

1. The State will:

a. On a "self-service" basis provide fuel to the County vehicles at DOT facilities statewide.

b. No more often than monthly, invoice the County with an itemized statement for fuel dispensed at the prevailing dispenser price plus five cents per gallon.

2. The County will:

a. Provide the State a list of authorized motor vehicles (by vehicle license number, type and fuel type) and operators, who shall observe all State rules, regulations and safety procedures while entering, refueling and leaving State fueling facilities. Insure State universal credit cards issued to County drivers contain encoded requirements necessary to interface with automated DOT fuel locations.

b. Insure operators complete an ADOT "Fuel Withdrawal Card" (ADOT Form 23-9315) each time fuel is purchased or comply with established procedures when DOT locations have automated card readers in place.

c. For CNG-equipped vehicles, insure compatibility of vehicle fuel nozzle receptacles with DOT fuel dispenser nozzles, obtaining adapters if necessary. Safeguard CNG fueling facility access codes and keys. Notify the DOT within 24 hours of lost access keys and be responsible for replacement costs at \$5.00 each. Return keys to the DOT as vehicles are removed from the County CNG program.

d. Reimburse the DOT for the previous month's invoice for fuel within 30 days after receipt. Coordinate as needed with the DOT, and be responsible for all costs associated with accidents or damages caused by County vehicles to State property.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall become effective upon filing with the Secretary of State.

2. The terms, conditions and provisions of this agreement shall remain in full force and effect until January 31, 2002, unless this agreement violates any Arizona law, rule or regulation, either now enacted or which may be enacted in the future. Either party may terminate this agreement at anytime by giving thirty (30) days written notice to the other party.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Equipment Services Administrator
2225 South 22nd Avenue
Phoenix, AZ 85009


Fleet Service Manager
Cochise County
401 Hereford Road
Bisbee, AZ 85603

7. Attached hereto and made a part hereof is the written determination of each parties legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.


COCHISE COUNTY

STATE OF ARIZONA
Department of Transportation

By 
TONY SARACINO, Chairman
Board of Supervisors

By 
JOSEPH H. O'NEILL, Administrator
Equipment Services

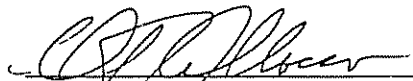
ATTEST

By 
NADINE PARKHURST
Clerk of the Board

RESOLUTION

BE IT RESOLVED on this 20th day of November 1997, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with Cochise County as an eligible agency for the receipt of the sale of fuel from ADOT fueling points statewide.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Equipment Services Manager for approval and execution.



DAVID ALLOCCO, Manager
Engineering Technical Group
for Larry S. Bonine, Director

**PROCEEDINGS OF THE REGULAR BOARD MEETING OF THE BOARD OF
SUPERVISORS**

MONDAY, JANUARY 05, 1998

At a special meeting of the Cochise County Board of Supervisors held on Monday, January 05, 1998 in the Hearing Room of the Cochise County Board of Supervisors located at 1415 W. Melody Lane, Bisbee, Arizona, the following were present:

Tony Saracino	- Chairman
Mike Palmer	- Member
Les Thompson	- Member
Jody Klein	- County Administrator
Nadine Parkhurst	- Clerk
Paula Wilk	- Deputy County Attorney

INVOCATION AND PLEDGE OF ALLEGIANCE

**APPROVAL OF THE AGENDA - THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS
SUBJECT TO MODIFICATION OF THE MEETING**

ROLL CALL

All three supervisors were present at this meeting.

CALL TO THE PUBLIC ON MATTERS RELATED TO COUNTY GOVERNMENT

Mr. Jim Ehl, 1779 Venado Trail, Sierra Vista, addressed the issue of the speed limit on Yaqui Street. It is Mr. Ehl's belief that the 25 miles per hour speed limit is unrealistic when adjacent streets have a speed limit of 45 miles per hour. The Board of Supervisors indicated that a work session will be held on this issue in the near future and Chairman Saracino instructed staff that the date and time of this work session be published in the local newspaper to insure that residents involved have the opportunity to be informed. Mr. Allon Owen, Director of Highway and Floodplain indicated that his staff has been working on this issue and a work session with the Board is planned in the near future.

CONSENT AGENDA

ASSESSOR

ITEM 1

**APPROVAL OF THE 1998 INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA,
DEPARTMENT OF REVENUE FOR DATA PROCESSING PRODUCTS AND SERVICES**

ATTORNEY

ITEM 2

ITEM 23

DISCUSSION AND POSSIBLE APPROVAL DOCKET Z-97-14 (CARLSON), REQUEST TO AMEND THE COCHISE COUNTY ZONING MAPS BY REZONING 27.18 ACRES FROM TR-36 (transitional residential, minimum lot size 36,000 square feet) TO TR-18 (minimum lot size 18,000 square feet). The subject parcels (#106-18-009C and 009D) are located on the north side of Camino De Mesa Road about 3/4's of a mile east of Highway 90 in Whetstone. The applicant is Gary Carlson.

The applicant, Gary A. Carlson, has applied to amend the Cochise County Zoning maps by rezoning 27.18 acres from TR-36 to TR-18. If this rezoning is approved, the applicant proposes to develop a subdivision with 38 residential lots, all of which will be greater than 1/2 acre in size. Planner Judy Anderson explained that these lots will be hooked up to public water and will use a septic tank system. Ms. Anderson stated that a tentative plat will be required and if this document is approved, a final plat will also need to be approved. Ms. Anderson indicated that the Planning and Zoning Commission voted unanimously to recommend approval.

Two objections were submitted representing three parcels located with 300 feet of the rezoning site. The protest level was 30 percent by number of parcels and 20.7 percent by acreage owned. Therefore, pursuant to State Law, a unanimous vote must take place to approve this rezoning.

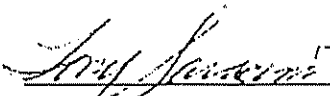
A motion was made by Supervisor Thompson and seconded by Supervisor Palmer to approve Docket Z-97-14 be approved subject to the following condition:

Within 18 months, receive approval of a Tentative Plat addressing all subdivision requirements and comments from the Highway and Floodplain Department (memorandum from the Highway Division dated 10/16/97 and memorandum from the Floodplain Division dated 10/10/97) and demonstrating compliance with the water conservation requirements of the Comprehensive Plan.

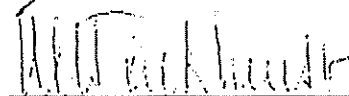
The motion unanimously carried.

No further business being presented, Chairman Saracino declared the meeting adjourned. The next regularly scheduled meeting of the Cochise County Board of Supervisors will be held Tuesday, January 20, 1998 in the Hearing Room of the Cochise County Board of Supervisors, 1415 W. Melody Lane, Bisbee, Arizona.

APPROVED:


Tony Saracino, Chairman

ATTEST:

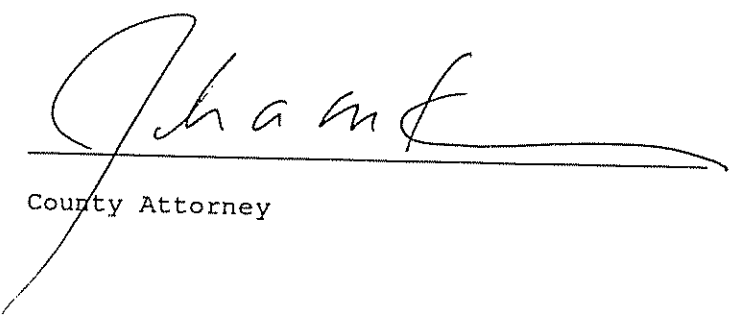

Nadine M. Parkhurst, Clerk of the Board

(SUPPORTING DOCUMENTATION IS AVAILABLE AT THE BOARD OF SUPERVISORS' OFFICE)

APPROVAL OF THE COCHISE COUNTY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and COCHISE COUNTY and declare this agreement to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

DATED this 9th day of Jan, 1998


County Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

TRN Main: (602) 542-1680

Direct: (602) 542-8837

Fax: (602) 542-3646

MAIN PHONE : 542-5025

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GRANT WOODS
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR97-2695TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATE February 2, 1998.

GRANT WOODS
Attorney General

JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:et/10229

Enc.